

**APPROVED/5/15/07**  
**VIRGINIA BOARD OF PHARMACY**  
**MINUTES OF SPECIAL CONFERENCE COMMITTEE**  
**INFORMAL CONFERENCE COMMITTEE**

Thursday, April 12, 2007  
Fifth Floor  
Conference Room 4

Department of Health Professions  
6603 West Broad Street  
Richmond, Virginia 23230

---

CALL TO ORDER:	A meeting of a Special Conference Committee of the Board of Pharmacy was called to order at 9:15 a.m.
PRESIDING:	Leo Ross, Committee Chairman
MEMBERS PRESENT:	David C. Kozera
STAFF PRESENT:	Cathy M. Reiniers-Day, Deputy Executive Director Mykl D. Egan, DHP Adjudication Specialist
PRATISH R. PATEL License #0202-204749	Pratish R. Patel appeared with Patricia Pade, M.D., HPIP Associate Medical Director; Troy Henshaw, HPIP Case Manager, to discuss allegations that he may have violated certain laws and regulations governing the practice of pharmacy as stated in the February 9, 2007 Notice.
Closed Meeting:	Mr. Kozera moved, and the Committee voted 2-0 in favor of the motion, to convene a closed meeting pursuant to § 2.2-3711.A.28 of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Pratish R. Patel. Additionally, he moved that Cathy Reiniers-Day and Mykl Egan attend the closed meeting because their presence in the closed meeting was deemed necessary and their presence would aid the Committee in its deliberations.
Reconvene:	Mr. Kozera moved, and the Committee voted 2-0 in favor of the motion, that only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion for closed meeting were heard, discussed or considered during the closed meeting.
Decision:	After consideration of the evidence and statements concerning the allegations, Mr. Kozera moved, and the

Committee voted 2-0 in favor of the motion, that the Committee make the findings of fact, conclusions of law and sanctions as stated in Attachment 1.

As provided by law, this decision shall become a final Order thirty days after service of such Order on Mr. Patel unless a written request to the Board for a formal hearing on the allegations made against him is received from Mr. Patel within such time. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of this Special Conference Committee shall be vacated.

BEATRICE CHOPSKI  
License #0202-004452

Beatrice Chopski appeared with John C. Warley, her attorney, and Heather Wachter, Wonder Drug pharmacy technician, to discuss allegations that she may have violated certain laws and regulations governing the practice of pharmacy as stated in the January 18, 2007 Notice.

Closed Meeting:

Mr. Kozera moved, and the Committee voted 2-0 in favor of the motion, to convene a closed meeting pursuant to § 2.2-3711.A.28 of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Beatrice Chopski. Additionally, he moved that Cathy Reiniers-Day and Mykl Egan attend the closed meeting because their presence in the closed meeting was deemed necessary and their presence would aid the Committee in its deliberations.

Reconvene:

Mr. Kozera moved, and the Committee voted 2-0 in favor of the motion, that only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion for closed meeting were heard, discussed or considered during the closed meeting.

Decision:

After consideration of the evidence and statements concerning the allegations, Mr. Kozera moved, and the Committee voted 2-0 in favor of the motion, that the Committee make the findings of fact, conclusions of law and sanctions as stated in Attachment 2.

As provided by law, this decision shall become a final Order thirty days after service of such Order on Ms. Chopski unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Chopski within such time. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of this Special Conference Committee shall be vacated.

WONDER DRUG  
License #0201-001662

Beatrice Chopski, owner, appeared with John C. Warley, her attorney, and Heather Wachter, Wonder Drug pharmacy technician, before the Informal Conference Committee to discuss allegations that Wonder Drug may have violated certain laws and regulations governing the conduct of pharmacy as stated in the January 18, 2007 Notice.

Closed meeting:

Mr. Kozera moved, and the Informal Conference Committee voted 2-0 in favor of the motion, to convene a closed meeting pursuant to Section 2.1-344.A.28 of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Wonder Drug. Additionally, he moved that Cathy Reiniers-Day and Mykl Egan attend the closed meeting because their presence in the closed meeting was deemed necessary and their presence would aid the Committee in its deliberations.

Reconvene:

Mr. Kozera moved, and the Informal conference Committee voted 2-0 in favor of the motion, that only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion for closed meeting were heard, discussed or considered during the closed meeting.

Decision:

After consideration of the evidence and statements concerning the allegations, Mr. Kozera moved and the Informal Conference Committee voted 2-0 in favor of the motion, that the Committee make the findings of fact, conclusions of law and sanctions as set forth in the Consent Order.

(This Consent Order shall be effective upon endorsement by Ms. Chopski, owner of Wonder Drug, and the Board

of its findings, conclusions, and terms of consent.)

JAMES R. BEAVER  
License #0202-003476

James R. Beaver appeared with Tracy Beaver, his spouse, to discuss allegations that he may have violated certain laws and regulations governing the practice of pharmacy as stated in the February 9, 2007 Notice.

Closed Meeting:

Mr. Kozera moved, and the Committee voted 2-0 in favor of the motion, to convene a closed meeting pursuant to § 2.2-3711.A.28 of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of James R. Beaver. Additionally, he moved that Cathy Reiniers-Day and Mykl Egan attend the closed meeting because their presence in the closed meeting was deemed necessary and their presence would aid the Committee in its deliberations.

Reconvene:

Mr. Kozera moved, and the Committee voted 2-0 in favor of the motion, that only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion for closed meeting were heard, discussed or considered during the closed meeting.

Decision:

After consideration of the evidence and statements concerning the allegations, Mr. Kozera moved, and the Committee voted 2-0 in favor of the motion, to close this case as undetermined.

RAJAT KUMAR  
Applicant:

Rajat Kumar appeared to discuss his application for licensure as a pharmacist and allegations that he may have violated certain laws and regulations governing the practice of pharmacy as stated in the March 22, 2007 Notice.

Closed Meeting:

Mr. Kozera moved, and the Committee voted 2-0 in favor of the motion, to convene a closed meeting pursuant to § 2.2-3711.A.28 of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Rajat Kumar. Additionally, he moved that Cathy Reiniers-Day and Mykl Egan attend the closed meeting because their presence in the closed meeting was deemed necessary and their presence would aid the Committee in its

deliberations.

Reconvene:

Mr. Kozera moved, and the Committee voted 2-0 in favor of the motion, that only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion for closed meeting were heard, discussed or considered during the closed meeting.

Decision:

After consideration of the evidence and statements concerning the allegations, Mr. Kozera moved, and the Committee voted 2-0 in favor of the motion, that the Committee make the findings of fact, conclusions of law and sanctions as stated in Attachment 3.

As provided by law, this decision shall become a final Order thirty days after service of such Order on Mr. Kumar unless a written request to the Board for a formal hearing on the allegations made against him is received from Mr. Kumar within such time. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of this Special Conference Committee shall be vacated.

LARRY E. SMITH  
License # 0202-005864

Larry E. Smith was scheduled to appear at 1:00 p.m. to discuss allegations that he may have violated certain laws and regulations governing the practice of pharmacy as stated in the March 15, 2007 Notice. The Committee proceeded in Mr. Smith's absence as the Notice dated March 15, 2007, was mailed to Mr. Smith's legal address of record, both regular and certified mail. The certified mail was signed as received.

Closed Session:

Mr. Kozera moved, and the Committee voted 2-0 in favor of the motion, to convene a closed meeting pursuant to § 2.2-3711.A.28 of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Larry E. Smith. Additionally, he moved that Cathy Reiniers-Day and Mykl Egan attend the closed meeting because their presence in the closed meeting was deemed necessary and their presence would aid the Committee in its deliberations.

Reconvene:

Mr. Kozera moved, and the Committee voted 2-0 in favor

of the motion, that only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion for closed meeting were heard, discussed or considered during the closed meeting.

Decision:

After consideration of the evidence and statements concerning the allegations, Mr. Kozera moved, and the Committee voted 2-0 in favor of the motion, that the Committee make the findings of fact, conclusions of law and sanctions as stated in Attachment 4.

As provided by law, this decision shall become a final Order thirty days after service of such Order on Mr. Smith unless a written request to the Board for a formal hearing on the allegations made against him is received from Mr. Smith within such time. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of this Special Conference Committee shall be vacated.

ADJOURN:

With all business concluded, the meeting adjourned at 6:20 p.m.

---

Cathy M. Reiniers-Day  
Deputy Executive Director

---

Leo H. Ross, Chair

---

Date

Pratish R. Patel

Findings of Fact and Conclusions of Law:

- Pratish R. Patel holds license number 0202-204729 issued by the Board to practice pharmacy in the Commonwealth of Virginia.
- Mr. Patel violated § 54.1-3316(4), (5) and (7), and § 54.1-3410(B) of the Code in that he diverted quantities of controlled substances for his personal and unauthorized use. More specifically:
  - During the course of his employment as a pharmacist at Kroger Pharmacy #320, Salem, Virginia (“Kroger #320”):
    - On December 13, 2006, he diverted one tablet of Lortab 10/500 (Hydrocodone/APAP, Schedule III), one tablet of Lortab 7.5/500, and two tablets of Klonopin (Clonazepam, Schedule IV) for his personal and unauthorized use. This diversion was recorded by a hidden video camera.
    - When confronted by a member of Kroger’s Risk Management team, and later by an Investigator with the Department of Health Professions, Mr. Patel admitted to diverting approximately 220 tablets of Lortab of various strengths; 50 tablets of Klonopin; and 25 tablets of Soma (Schedule VI) between September and December, 2006, for his personal and unauthorized use.
  - By Mr. Patel’s own admission, during the course of his employment as a pharmacist at Kroger Pharmacy #375, Roanoke, Virginia (“Kroger #375”), between October and December 2006, he diverted two Lortab tablets of unknown strength for his personal and unauthorized use. He further admitted that he self administered HC Tussive cough syrup.
  - By Mr. Patel’s own admission, during the course of his employment as a pharmacist at Walgreens #05216, Roanoke, Virginia, between May and June, 2006, he diverted 20 Lortab tablets of unknown strength for his personal and unauthorized use.



- Mr. Patel is in violation of § 54.1-3316(4) of the Code in that during the course of his employment as a pharmacist at Kroger #320 and Kroger #375, he was observed acting in an impaired manner. Specifically, he appeared off balance while standing still, he had difficulty focusing and would repeat questions as if he had a memory problem; he appeared to be “nodding off” during his shifts and appeared to have fallen asleep during one shift.
- Mr. Patel stated to the Committee that his date of sobriety is December 13, 2006. Further, he stated that he weekly attends five to six Alcoholics Anonymous or Narcotics Anonymous meetings; one Caduceus meeting and an aftercare program. Also, he stated that he has the support of his family.
- Mr. Patel stated that he received substance abuse treatment at the Farley Center, Williamsburg, Virginia, beginning in December 2006, and was successfully discharged in March 2007.
- Mr. Patel entered into a Participation Contract with the Health Practitioners’ Intervention Program (“HPIP”) on December 15, 2006, and a Recovery Monitoring Contract on March 12, 2007.
- Patricia Pade, M.D., HPIP Associate Medical Director, and Troy Henshaw, HPIP Case Manager, appeared and stated that Mr. Patel has been fully compliant with his contract and that they advocate that Mr. Patel retain his license. They further stated that Mr. Patel is required to submit to at least three random drug screens a month, and that since March 16, 2007, Mr. Patel has submitted to four drug screens and the results have been negative. Dr. Pade stated that she is impressed with Mr. Patel’s commitment to recovery.

#### Sanction

- Pratish R. Patel be, and hereby is, placed on PROBATION subject to the following terms and conditions:
- The period of probation shall begin on the date that this Order is final and shall continue INDEFINITELY. Mr. Patel may petition the Board to end his probation after not less than five years of employment as a pharmacist.
- Mr. Patel shall comply with all terms and conditions for the period specified by the HPIP.
- Any violation of the terms and conditions of the HPIP or any of the terms and conditions stated in this Order shall be reason for revoking the license of Mr. Patel, and an administrative proceeding shall be held to decide whether Mr. Patel’s license shall be revoked. Mr. Patel shall be noticed to appear at an administrative hearing at such time as the Board is notified that he is not in compliance with the terms and conditions specified by the HPIP, or has been terminated from participation in the HPIP.
- All reports required by this Order shall be submitted in writing to the Board office with the first report being received no later than thirty (30) days following the date that this Order is final. Subsequent reports must be received quarterly by the last day of the



months of March, June, September and December, until the period of probation ends. Mr. Patel is fully responsible for ensuring that required reports are properly submitted and received by the Board in a timely manner.

- Mr. Patel shall submit quarterly self-reports which must include his current address and current employment, if any.
- Mr. Patel shall maintain a course of conduct commensurate with the requirements of Chapters 33 and 34, Title 54.1 of the Code of Virginia and the Regulations of the Board of Pharmacy.

Beatrice Chopski

Findings of Fact and Conclusions of Law:

- Beatrice L. Chopski holds license number 0202-004452 issued by the Board to practice pharmacy in the Commonwealth of Virginia.
- During the course of Ms. Chopski's employment as the pharmacist-in-charge of Wonder Drug, Vinton, Virginia ("Wonder Drug"), an inspection conducted on or about July 5, 2006, disclosed several deficiencies. More specifically:
  - Ms. Chopski violated § 54.1-3316(7) and § 54.1-3434 of the Code and 18 VAC 110-20-180 of the Board of Pharmacy Regulations ("Regulations") in that drugs were being maintained in a storage area not covered by the security system. During an inspection conducted on or about January 24, 2005, she was cited for two similar deficiencies.
  - Ms. Chopski violated § 54.1-3316(7) and § 54.1-3434 of the Code and 18 VAC 110-20-190 of the Regulations in that the gate to the prescription department could be unlocked from the sales floor, which made the drug storage and compounding area susceptible to unauthorized access.
  - Ms. Chopski violated § 54.1-3316(7) and § 54.1-3434 of the Code and 18 VAC 110-20-200(D) of the Regulations in that approximately 15 expired drugs were kept with the stock used for dispensing, instead of being maintained in a designated area until such time as they could be disposed of properly. During an inspection conducted on or about January 24, 2005, she was cited for a similar deficiency.
  - Ms. Chopski violated § 54.1-3316(7), § 54.1-3404, and § 54.1-3434 of the Code and 18 VAC 110-20-240(A)(5) of the Regulations in that the inventory conducted on or about March 13, 2005, was not dated or signed. Further, there was no indication as to what time said inventory took place. During an inspection conducted on or about January 24, 2005, she was cited for a deficiency similar to the latter.
  - Ms. Chopski violated § 54.1-3316(7) and § 54.1-3434 of the Code and 18 VAC 110-20-355 of the Regulations in that a control record was not maintained for compounded and/or repackaged products. Further, repackaged medication and medication that was returned to stock was not labeled with an assigned expiration date. During an inspection conducted on or about January 24, 2005, she was cited for two similar deficiencies.

- Ms. Chopski violated § 54.1-3316(7) and § 54.1-3434 of the Code and 18 VAC 110-20-110(C) of the Regulations in that during the course of her employment as the pharmacist-in-charge of Wonder Drug, an inspection conducted on or about January 24, 2005, found that she was absent from practice for more than 30 consecutive days between on or about August 10, 2004, and February 27, 2005, and she did not return the permit.
- Ms. Chopski violated § 54.1-3316(1) and (7), § 54.1-3320(A)(1) and (6), and § 54.1-3434 of the Code and 18 VAC 110-20-270(C) of the Regulations in that it was Wonder Drug's policy to substitute propoxyphene HCL/APAP 65mg/100mg instead of propoxyphene napsylate 100mg/650mg, both Schedule IV controlled substances.

#### Sanction

- Beatrice L. Chopski be issued a REPRIMAND and assessed a monetary penalty of One Thousand Five Hundred Dollars (\$1500.00) to be paid to the Board within ninety (90) days from the date this Order is final.

Attachment 3  
Minutes - Board of Pharmacy  
Special Conference Committee  
April 12, 2007

Rajat Kumar

Findings of Fact and Conclusions of Law:

- After consideration of the evidence and statements concerning the allegations, the Committee makes the following findings of fact and conclusions of law:
- On December 30, 2005, the Board received an Application for Transfer of Pharmaceutic Licensure from Rajat Kumar, with said Application being denied on January 4, 2006, due to his conviction of a drug law and the suspension of his license by the Connecticut Commission of Pharmacy ("CT Commission") on November 6, 2001, with reinstatement on probation pursuant to a July 7, 2005, Settlement Agreement. Mr. Kumar requested an informal conference, however, on January 25, 2006; the CT Commission summarily suspended his license for failure to comply with said Settlement Agreement, which made him ineligible for Virginia licensure. Pursuant to a June 28, 2006, Settlement Agreement, the CT Commission reinstated his license on probation.
- Mr. Kumar violated § 54.1-3316(4) of the Code in that during an interview with a Department of Health Professions Investigator on November 14, 2006, he acknowledged that he had used drugs and/or alcohol to the extent that may have rendered him unsafe to practice pharmacy.
- Mr. Kumar violated § 54.1-3316(9) of the Code in that on March 22, 2002, he pled guilty in the State of Connecticut Superior Court, Bridgeport, Connecticut, to one count of illegally obtaining prescription drugs by fraud and one count of unauthorized possession of controlled substances. He was sentenced to three years probation.
- Mr. Kumar stated to the Committee that his date of sobriety was October 12, 2001. Further, he stated that he attends counseling once a month and Alcoholics Anonymous meetings two times a week, has a sponsor, and has family support. He also stated that since August 2006, he has been working as a pharmacist for Rite Aid in Connecticut and has had no disciplinary problems.

Sanction

- WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED that the application of Rajat Kumar for licensure as a

pharmacist be APPROVED and that Mr. Kumar be allowed to sit for the Virginia Drug Law Examination and a license will be issued once he successfully passes that will be subject to the following terms and conditions:

- Mr. Kumar shall enter into the Health Practitioners' Intervention Program ("HPIP"), pursuant to Chapter 25.1 of Title 54.1 of the Code and 18 VAC 76-10-10, et. seq., of the Regulations Governing the Health Practitioners' Intervention Program and shall have proof of entry into the HPIP provided to the Board within 30 days from the date of entry of this Order. After entry into HPIP, Mr. Kumar shall comply with all terms and conditions for the period specified by the HPIP.
- Any violation of the terms and conditions of the HPIP or any of the terms and conditions stated in this Order shall be reason for revoking the license of Mr. Kumar, and an administrative proceeding shall be held to decide whether Mr. Kumar's license shall be revoked. Mr. Kumar shall be noticed to appear at an administrative hearing at such time as the Board is notified that:
  - He has failed to enter into HPIP by the above date, or
  - He is not in compliance with the terms and conditions specified by HPIP, or has been terminated from participation in HPIP, or
  - He has successfully completed the above-referenced period of participation in HPIP. Upon receipt of evidence of Mr. Kumar's participation in and compliance with HPIP, the Committee, at its discretion, may waive his appearance before the Committee, relating to the HPIP contract only, and conduct an administrative review of this matter, or.
  - Mr. Kumar is in violation of the other terms and conditions of the Order.
- All reports required by this Order shall be submitted in writing to the Board office with the first report being received no later than thirty (30) days following the date that this Order is final. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December, until the period of probation ends. Mr. Kumar is fully responsible for ensuring that required reports are properly submitted and received by the Board in a timely manner.
- Mr. Kumar shall submit quarterly self-reports that must include his current address and current employment, if any.
- Mr. Kumar shall maintain a course of conduct commensurate with the requirements of Chapters 33 and 34, Title 54.1 of the Code and the Regulations of the Board of Pharmacy.

Attachment 4  
Minutes - Board of Pharmacy  
Special Conference Committee  
April 12, 2007

Larry E. Smith

Findings of Fact and Conclusions of Law:

- Larry E. Smith holds license number 0202-005864 issued by the Board to practice pharmacy in the Commonwealth of Virginia.
- During the course of Mr. Smith's employment as the pharmacist-in-charge and also while a staff pharmacist at CVS/pharmacy #3922, Norton, Virginia ("CVS"), he violated § 54.1-3316(7) and § 54.1-3320(6) of the Code, and 18 VAC 110-20-270(C) of the Board of Pharmacy Regulations, in that since he began employment at CVS in 2000, he failed to perform a final accuracy check on all prescriptions before they were dispensed to the public.

Sanction

- Larry E. Smith be issued a REPRIMAND.